

11/19/04

AF/OP-1632  
JFW

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date: 11/17/04  
Date: November 17, 2004 Name: JOHN MURRAY Signature: John Murray

BRINKS  
HOFFER  
GILSON  
& LIONE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Gary J. Nabel et al.

Appln. No.: 09/663,889

Filed: September 18, 2000

For: KITS FOR SITE-SPECIFICALLY  
TRANSFORMING CELLS IN VIVO

Examiner: Robert M. Kelly

Art Unit: 1632

Attorney Docket No: 8642/91

[Choose Mail Stop or blank line]

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**COPY  
TRANSMITTAL**

Sir:

Attached is/are:

- ☒ Transmittal letter (in duplicate); Third Supplemental Information Disclosure Statement (in duplicate); Form PTO-1449; copies of four identified art references; copy of European Search Report.
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+\$150=			+ \$300=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$180.00 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

NOVEMBER 17, 2004  
Date

John Murray  
John Murray, Ph.D (Reg. No. 44,251)

CANCELLED  
17 2004  
PATENT & TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Gary J. Nabel  
Appln. No.: 09/663,889  
Filed: September 18, 2000  
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THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(d), Applicant hereby cites the following reference(s):

Foreign Patent Document

No.	Date of Publication	Patentee/Applicant/Assignee
WO 95/13375	05/18/95	The Johns Hopkins University

Other Art

Chang, M. W. et al., "Adenovirus-mediated Over-expression of the Cyclin/Cyclin-dependent Kinase Inhibitor, p21 Inhibits Vascular Smooth Muscle Cell Proliferation and Neointima Formation on the Rat Carotid Artery Model of Balloon Angioplasty" Journal of Clinical Investigation, Vol. 96, No. 5, pp. 2260-68 (1995)
Yang, Z-Y et al., "Role of the p21 cyclin-dependent Kinase Inhibitor in Limiting Intimal Cell Proliferation in Response to Arterial Injury" Proc. Natl. Acad. Sci, Vol. 93, No. 15, pp. 7905-10 (1996)
Gallick, G.C. et al. "Expression of p21, RAS in Fresh Primary and Metastatic Human Colorectal Tumors" Proc. Natl. Acad. Sci, Vol. 82, No. 6, pp. 1795-99 (1985)

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Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

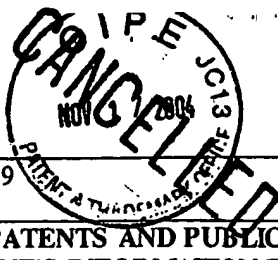
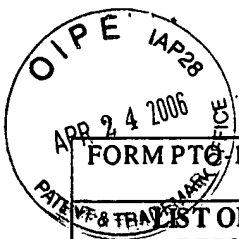
By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant hereby certifies pursuant to 37 C.F.R. §1.97(e)(1) that no item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference). Applicant has further calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Statement. Applicant has enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,

November 17, 2004  
Date

John Murray  
John Murray, Ph.D. (Reg. No. 44,251)



# COPY

FORM PTOL 1449	SERIAL NO. 09/663,889	CASE NO. 8642/91
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 18, 2000	GROUP ART UNIT 1632
(use several sheets if necessary)		APPLICANT(S): Nabel et al.

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	C1	WO 95/13375	05/18/95	WIPO	Yes

EXAMINER INITIAL	<b>OTHER ART - NON PATENT LITERATURE DOCUMENTS</b> <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	C2	Chang, M. W. et al., "Adenovirus-mediated Over-expression of the Cyclin/Cyclin-dependent Kinase Inhibitor, p21 Inhibits Vascular Smooth Muscle Cell Proliferation and Neointima Formation on the Rat Carotid Artery Model of Balloon Angioplasty" Journal of Clinical Investigation, Vol. 96, No. 5, pp. 2260-68 (1995)
	C3	Yang, Z-Y et al., "Role of the p21 cyclin-dependent Kinase Inhibitor in Limiting Intimal Cell Proliferation in Response to Arterial Injury" Proc. Natl. Acad. Sci, Vol. 93, No. 15, pp. 7905-10 (1996)
	C4	Gallick, G.C. et al. "Expression of p21 <sup>RAS</sup> in Fresh Primary and Metastatic Human Colorectal Tumors" Proc. Natl. Acad. Sci, Vol. 82, No. 6, pp. 1795-99 (1985)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.